



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

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RECEIVED

William F. Gentit  
Manager, Regulatory Affairs  
Akzo Nobel Functional Chemicals LLC  
5 Livingstone Avenue  
Dobbs Ferry, New York 10522-3407

Dear Mr. Gentit:

Thank you for your letter dated March 10, 2004, to the U.S. Environmental Protection Agency (EPA), regarding the High Production Volume (HPV) Challenge Program. I apologize for the delay in responding to your request.

Your letter states that Phosphoric acid, (1,1-dimethylethyl)phenyl diphenyl ester (CAS No. 56803-37-3), and Phosphoric acid, bis(1,1-dimethylethyl)phenyl diphenyl ester (CAS No. 65652-41-7), are components of Butylated triphenyl phosphate (CAS No. 220352-35-2) and thus should not be included in the HPV Challenge Program. Your letter also states that Butylated triphenyl phosphate was sponsored for the HPV Program in July, 2001 when robust summaries and test plans were filed.

A review of EPA records shows that Phosphoric acid, (1,1-dimethylethyl)phenyl diphenyl ester (CAS No. 56803-37-3), and Phosphoric acid, bis(1,1-dimethylethyl)phenyl diphenyl ester (CAS No. 65652-41-7), were the subject of a proposed TSCA Section 4 test rule in 1992 (57 FR 2138, January 17, 1992) and that there have been efforts since then to develop an Enforceable Consent Agreement (ECA).

As you may know, EPA posted draft guidance on procedures for removing chemicals that are no longer HPV from the scope of the voluntary HPV Challenge Program on its ChemRTK website at [www.epa.gov/chemrtk](http://www.epa.gov/chemrtk) in March, 1999. Based on EPA's review of all the pertinent Inventory Update Rule (IUR) data from 1998 and 2002, EPA has determined that Phosphoric acid, (1,1-dimethylethyl)phenyl diphenyl ester (CAS No. 56803-37-3), and Phosphoric acid, bis(1,1-dimethylethyl)phenyl diphenyl ester (CAS No. 65652-41-7), **do not meet** the "no longer HPV" criteria.

Because Phosphoric acid, (1,1-dimethylethyl)phenyl diphenyl ester (CAS No. 56803-37-3), and Phosphoric acid, bis(1,1-dimethylethyl)phenyl diphenyl ester (CAS No. 65652-41-7) are

still considered to be HPV chemicals and could be considered to be part of the Aryl phosphate category, EPA continues to recommend that Akzo Nobel provide the requested baseline set of data.

We will post your letter, accompanied by our reply, on the ChemRTK website as soon as possible. Should you have any questions pertaining to this response, please contact Diane Sheridan at (202) 564-4770. If you have general questions concerning the HPV Challenge Program, please submit them through the ChemRTK website comment button or through the TSCA Assistance Information Service (TSCA Hotline) at (202) 554-1404. The TSCA Hotline can also be reached via e-mail at [tsc-hotline@epa.gov](mailto:tsc-hotline@epa.gov).

Sincerely,

Wardner G. Penberthy  
Acting Director  
Chemical Control Division

cc: AR201